

Approved
12/17/03

**MEDICAL EXAMINING BOARD
REGULAR MEETING
NOVEMBER 19, 2003**

MEMBERS PRESENT: Drs. Alfred Franger, Ronald Grossman, Jon Gudeman, Sidney Johnson, Daniel Miota, Jack Lockhart, Sandra Mahkorn, Ian Munro, Bhupinder Saini, and Mary Cook JD; Karen Kalishek, and Virginia Heinemann

MEMBERS EXCUSED: Dr. Lief Erickson

STAFF PRESENT: Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Mark Grapentine, State Medical Society of Wisconsin

CALL TO ORDER

Chair Sidney Johnson called the meeting to order at 8:02 a.m.

APPROVAL OF AGENDA

Amendments:

Possible violation of Board Order – Kim Chung
Minutes October 22, 2003
Complaint 02 MED 359
Board Structure and Operation
Death Cases Report
Three Year Cases Report
Dual Disorders Symposium
Total Pending Cases Report

MOTION: Daniel Miota moved, seconded by Alfred Franger, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OCTOBER 22, 2003

Amendments:

Page 1 - Correct to show Virginian Heinemann as Vice Chair
Page 1 - Report of Board Workshop – Mary Cook

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to approve the minutes of October 22, as amended. Motion carried unanimously.

PRESENTATION OF COMPLAINT 02 MED 375 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented the complaint in case number 02 MED 375. This matter will be deliberated on in closed session.

PRESENTATION OF COMPLAINT 02 MED 359 BY ATTORNEY PAMELA STACH

DOE Attorney Pamela Stach presented the complaint in case number 02 MED 359. This matter will be deliberated on in closed session.

PRESENTATION OF STIPULATION IN THE MATTER CONCERNING ROBERT T. OBAMA, MD – ATTORNEY JACK ZWIEG – CASE ADVISOR - DR. MUNRO

DOE Attorney Jack Zwieg presented the proposed stipulation in the matter concerning Robert T. Obama, MD. This matter will be deliberated on in closed session

STATE MEDICAL SOCIETY COUNCIL ON MEDIATION AND PEER REVIEW (CMPR) MARK ADAMS, SMS

Mark Adams discussed the State Medical Society (SMS) mediation and peer review process. Mr. Adams shared complaint statistics, intake procedures and data on actions taken. The Board suggested that the purpose of CMPR should be revisited. Mr. Adams told the Board that the SMS is open to working with the MEB. In the short term, the Board would like to see the SMS website updated to more accurately characterize DRL jurisdiction and to ensure the public is informed that it is the only agency that can take disciplinary action against a license. The Board will revisit this issue at a future meeting.

INVITATION TO STATE MEDICAL SOCIETY BOARD MEETING – APPOINTMENT OF VOLUNTEERS

Chair Sidney Johnson asked for volunteers to attend the December 18 SMS Board meeting. Currently, Mary Cook, Karen Kalishek, Alfred Franger and Jack Lockhart tentatively plan to attend, pending verification of their calendars.

MOTION: Alfred Franger moved, seconded by Karen Kalishek, to delegate the Chair Sidney Johnson, Mary Cook, Karen Kalishek, Alfred Franger and John Lockhart to attend the SMS 12/18/03 Board meeting. Motion carried unanimously.

REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

WIS. ADMIN. CODE § MED 1.06 (3) (F) – ACCEPTING EXAMINATIONS FROM THE MEDICAL COUNCIL OF CANADA - CONSIDER FOR ADOPTION

The Board reviewed and adopted Wis. Admin. Code § 1.06 (3) (f).

MOTION: Alfred Franger moved, seconded by Ian Munro, to adopt Wis. Admin. Code § 1.06 (3) (f), relating to accepting examinations from the Medical Council of Canada. Motion carried unanimously.

SENATE BILL 227

Tom Ryan provided the source for the prevailing definitions of therapeutic misadventure and supporting information from the Legislative Council relating the coroner's requirement under this bill.

Mr. Ryan also discussed the Board Structure and Disciplinary Functions handout that shows what each state is required to report and violations and penalties for failure to report. Mr. Ryan noted that the FSMB chart indicates that Wisconsin Boards are not required to report as many items as other states. The Board may want to consider possible rule changes to require such reporting as a future agenda topic.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 37 cases. Eleven cases were opened, 20 cases were not opened and five cases required more information.

The Screening Panel for December will be Drs. Franger, Lockhart, and Virginia Heinemann.

TRAVEL REPORT – CITIZEN ADVOCACY CENTER 2003 ANNUAL MEETING – MARY COOK

Mary Cook reported on the Citizen Advocacy Center 2003 meeting she recently attended. Discussion topics included the Public Citizen Report on medical board discipline published annually by Sidney Wolfe, quality improvements, state websites, and Board efforts to educate the public about their function.

INFORMATIONAL ITEMS

The Board noted the letter to State Representative Gregg Underheim expressing their position that the bill relating to chelation therapy is unnecessary.

RECESS TO CLOSED SESSION

MOTION: Jack Lockhart moved, seconded by Alfred Franger, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s)

(Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Sidney Johnson – yes, Alfred Franger – yes, Ronald Grossman – yes, Jon Gudeman, Jack Lockhart-yes, Sandra Mahkorn-yes, Daniel Miota – yes, Ian Munro-yes, Bhupinder Saini yes, and Mary Cook-yes; Karen Kalishek-yes, Virginia Heinemann-yes. Motion carried unanimously.

Open session recessed at 9:49 a.m.

ISSUE COMPLAINT – 02 MED 375

MOTION: Ronald Grossman moved, seconded by Virginia Heinemann, in favor of a finding of probable cause that the licensee conduct in case 02 MED 375 is unprofessional, that a complaint be issued, and that a hearing be held. Ian Munro abstained. Motion carried.

ADMINISTRATIVE WARNING IN CASE NUMBER 03 MED 028 – ATTORNEY MIKE BERNDT

MOTION: Bhupinder Saini moved, seconded by Virginia Heinemann, in favor of issuing an Administrative Warning in the matter concerning case 03 MED 028. Motion carried unanimously.

PROPOSED STIPULATION IN THE MATTER CONCERNING ROBERT T. OBMA, MD – ATTORNEY JACK ZWIEG – CASE ADVISOR DR. MUNRO

MOTION: Ronald Grossman moved, seconded by Ian Munro, to adopt the Final Decision, Order and Stipulation in the matter concerning Robert T. Obma, MD. Motion carried unanimously.

ALFRED L. GOLDSON – APPLICATION REVIEW

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to approve the application of Alfred L. Goldson. Motion carried unanimously.

JESUS A. GOMEZ ABRAHAM – APPLICATION REVIEW

MOTION: Virginia Heinemann moved, seconded by Ronald Grossman, to deny the waiver of the seven year rule in the matter concerning Jesus A. Gomez Abraham, and in favor of advising him that he may re-petition if the Board receives a letter from the Federation of State Medical Boards verifying the computer problems he experienced when taking the examinations were severe enough to invalidate his score(s). Hand vote taken: 7-yes, 4-no. Motion carried.

SAJID MEHMOOD – APPLICATION REVIEW

MOTION: Ronald Grossman moved, seconded by Jack Lockhart, to deny the application of Sajid Mehmood. Hand vote taken: all yes votes. Motion carried unanimously.

ASHWINI PRASAD – APPLICATION REVIEW

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to require Ashwini Prasad appear before the full Board for an oral examination. Motion carried unanimously.

SLOBODAN ZEC – APPLICATION REVIEW

MOTION: Sandra Mahkorn moved, seconded by Alfred Franger, to require Slobodan Zec appear before the full Board for an oral examination. Motion carried unanimously.

SWAMISARAN BOMMAKANTI – APPLICATION REVIEW

MOTION: Mary Cook moved, seconded by Jack Lockhart, to deny the application of Swamisaran Bommakanti. Motion carried unanimously.

CRAIG BAMMER – APPLICATION REVIEW

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to deny the application of Craig Bammer. Motion carried unanimously.

PETITION FOR RE-HEARING – WILLIAM J. FABER, MD

MOTION: Ian Munro moved, seconded by Alfred Franger, to table the petition for the re-hearing until the December meeting, and seek an extension for consideration from the parties. Motion carried unanimously.

MARK BENSON, MD - REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter concerning Mark Benson, MD. Motion carried unanimously.

**JOHN FERRIS, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION,
APPROVAL OF PROFESSIONAL MENTOR, AND A SIX MONTH EXTENSION
FOR PAYMENT OF COSTS**

MOTION: Sandra Mahkorn moved, seconded by Mary Cook, to grant a three month stay of suspension in the matter concerning John Ferris, MD, and approves his professional mentor. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to deny the request for an extension of time to pay costs in the matter concerning John Ferris, MD. Hand vote taken: 7-yes, 6-no. Motion carried.

RAYMOND KOZIOL, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter concerning Raymond Kozoil, MD. Motion carried unanimously.

JOHN WHELAN, MD – REQUEST FOR EXTENSION FOR COMPLETION OF CMES

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to grant an extension of one month to complete his continuing medical education in the matter of John Whelan, MD. Motion carried unanimously.

LANCE YEOMAN, DO – REQUEST FOR FULL LICENSURE

MOTION: Jack Lockhart moved, seconded by Virginia Heinemann, to deny full licensure to Lance Yeoman, DO. Motion carried unanimously.

ISSUE COMPLAINT 02 MED 359

MOTION: Karen Kalishek moved, seconded by Mary Cook, in favor of a finding of probable cause that the licensee conduct in case 02 MED 359 is unprofessional, that a complaint be issued, and that a hearing be held. Ian Munro abstained. Motion carried unanimously.

SUSPEND LICENSE – KIM CHUNG

MOTION: Ronald Grossman moved, seconded by Alfred Franger, in favor of suspending the license of Kim Chung. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to refer the case of Kim Chung to DOE to open an investigation. Motion carried unanimously.

CASE STATUS REPORT

- MOTION:** Daniel Miota moved, seconded by Alfred Franger, to close complaints **03 MED 036, 03 MED 047, 03 MED 052, 03 MED 058, 03 MED 061, 03 MED 067, 03 MED 092, 03 MED 109, 03 MED 096, and 03 MED 110** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Sandra Mahkorn moved, seconded by Daniel Miota, to close complaint **03 MED 028** for no violation. Motion carried unanimously.
- MOTION:** Daniel Miota moved, seconded by Alfred Franger, to close complaint **03 MED 314** for insufficient evidence. Motion carried unanimously.
- MOTION:** Ian Munro moved, seconded by Alfred Franger, to close complaint **02 MED 203** for insufficient evidence. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to close complaint **03 MED 188** for no violation. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Ian Munro, to close complaint **03 MED 018** for insufficient evidence, and refer this case to BQA and JCAHO. Motion carried unanimously.
- MOTION:** Mary Cook moved, seconded by Ronald Grossman, to refer case **02 MED 410** back to the attorney for review. Motion carried unanimously.
- MOTION:** Daniel Miota moved, seconded by Sandra Mahkorn, to close complaint **03 MED 039, 03 MED 040, 03 MED 059, 03 MED 102, and 03 MED 108** for compliance gained. Motion carried unanimously.
- MOTION:** Alfred Franger moved, seconded by Ian Munro, to close complaint **01 MED 074** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Daniel Miota moved, seconded by Karen Kalishek, to close complaint **02 MED 213** for insufficient evidence. Motion carried unanimously.
- MOTION:** Alfred Franger moved, seconded by Ian Munro, to close complaint **02 MED 241** for insufficient evidence. Motion carried unanimously.
- MOTION:** Ronald Grossman moved, seconded by Karen Kalishek, to close complaint **03 MED 221** for prosecutorial discretion. Motion carried unanimously.
- MOTION:** Ian Munro moved, seconded by Jack Lockhart, to close complaint **03 MED 137** for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Ian Munro, to close complaint **03 MED 253** for no jurisdiction and refer to the BQA. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Daniel Miota, to close complaint **00 MED 062** for no violation. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger to close complaint **02 MED 245** for prosecutorial discretion. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:38 p.m.

ADMINISTRATIVE REPORT

Ms. Strong Hill advised the Board that when she became Secretary, the Department had 210 cases backlogged; 73 cases have been closed. The Secretary advised the Board that she has worked with Senator Roessler on Senate Bill 227. She further advised the Board that the Department is working to ensure that in the future, complaintants will have more opportunity to be present for hearings and other Board proceedings.

COMPUTERIZED PHYSICIAN ORDER ENTRY SYSTEM – PRESENTATION BY BARBARA RUDOLPH, PH.D., THE LEAPFROG GROUP’S DIRECTOR OF LEAPS AND MEASURES

Barbara Rudolph, Ph.D., the LeapFrog Group’s Director of Leaps and Measures, gave a presentation to the Board on Computerized Physician Order Entry System. She asked for the Board’s support of this technology.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Alfred Franger moved, seconded by Jon Gudeman, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:38 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to vote to accept all motions made during closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:53 p.m.